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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,198	03/10/2005	Avraham Zakai	26670U	2881
20529 7590 12/19/2008 THE NATH LAW GROUP 112 South West Street Alexandria, VA 22314				
EXAMINER				
LEE, KEVIN L				
ART UNIT		PAPER NUMBER		
3753				
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12/19/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/527,198

**Applicant(s)**

ZAKAI ET AL.

**Examiner**

KEVIN L. LEE

**Art Unit**

3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 and 6-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

### **DETAILED ACTION**

It is noted that the prior rejection of claims 1-4, 6-15 and 28-41 as set forth in the Office action mailed April 7, 2008 is hereby withdrawn in view of applicant's amendment filed August 7, 2008.

#### ***Claim Objections***

Claims 12, 28 and 41 are objected to because of the following informalities: In line 10 of claim 12 and line 8 of claim 41 "the measurable flow threshold" should read "the minimum measurable flow threshold." In the last line of claim 28, "the measuring threshold" should read "the minimum measuring threshold." Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-4 and 6-41 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The recitation of "the minimum measurable flow threshold" in line 5 of claim 1 lacks positive antecedent basis because a "minimum measurable flow threshold" is not necessarily the same as the recited "a minimum measuring flow threshold" recited in line 2 of the claim. The system may have a cut-off

flow threshold that is measured, the "minimum measuring flow threshold", that is above the minimum flow measuring capacity of the system, the "minimum measurable flow threshold." This same rejection is noted for the recitation of "the measurable flow threshold" in line 10 of claim 12 and line 4 of claim 28, line 5 of claims 33 and 41.

The following recitations are also noted to lack antecedent basis: "the measuring threshold" in the last line of claim 1; "the inlet pressure Pi" and "the outlet pressure Po" in claim 36 and "the housing" in line 2 of claim 32.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6-29 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jakobsson (WO 99/28722). The patent to Jakobsson discloses a fluid metering system comprising a fluid supply line including a flow meter (17) and a flow responsive valve (3). The valve (3) has an open position admitting fluid only at a flow rate above a minimum measuring threshold and a closed position substantially restricting fluid flow at flow rates below the measuring threshold, due to the built-in pulsator (19) and hose (13), see page 7, lines 7-22.

Claims 30-32 and 34-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jakobsson as applied to claims 1-4 and 6-29 above, and further in view of Lam (U.S. Patent No. 5,921,276). The system of Jakobsson lacks explicitly disclosing a damping assembly received between the plunger and a cup member. The patent to Lam et al discloses a pressure responsive sealing assembly comprising a damping assembly disposed between a plunger and a stationary cup member (5) for the purpose of providing a damping of the plunger in a compact arrangement thereby minimizing the pressure loss of the fluid flowing through the valve. In view of the teaching of Lam et al, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided in the system of Jakobsson a damping assembly received between the plunger and a cup member for the purpose of providing a damping of the plunger in a compact arrangement thereby minimizing the pressure loss of the fluid flowing through the valve.

***Allowable Subject Matter***

Claim 33 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

It is noted that the prior rejection of claims 1-4, 6-15 and 28-41 as set forth in the Office action mailed April 7, 2008 is hereby withdrawn.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEVIN L. LEE whose telephone number is (571) 272-4915. The examiner can normally be reached on MONDAY-THURSDAY.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, GREGORY HUSON can be reached on (571) 272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KEVIN L LEE/  
Primary Examiner, Art Unit 3753